

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 873 – SB 800

March 26, 2017

SUMMARY OF ORIGINAL BILL: Broadens the definition of eligible petitioner to include persons convicted of two or more qualified defenses for which the petitioner can seek expungement.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005222): Deletes and rewrites the proposed legislation to clarify that the two offenses must be two expungable misdemeanors or one expungable felony and one expungable misdemeanor, and to clarify that 10 years must have elapsed before expungement of a drug fraud offense under Tenn. Code Ann. § 53-11-402(a)(3).

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-32-101(g)(1) defines eligible petitioner as a person convicted of one qualified class E felony or one qualified misdemeanor.
- The proposed legislation broadens the definition to include a person convicted of no more than two offenses each of which is eligible for expungement under Tenn. Code Ann. § 40-32-101(g)(1).
- There is insufficient data on the number of persons that would be eligible for expungement under the proposed legislation.
- However, since the expungement law was changed by Public Chapter 1103 of the Public Acts of 2012, the number of expungements filed each year has been drastically less than estimated. Approximately one percent of original projections have been realized.
- Therefore, it is assumed that allowing persons with two qualified convictions will not significantly impact state or local expungement revenue.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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